IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 6331 of 2007(D)

PETITIONER:

PARISONS ESTATES AND INDUSTRIES PVT.LTD.
CHEROOTTY ROAD, CALICUT-673 032, REPRESENTED
BY ITS MANAGING DIRECTOR N.K.MOHAMMED ALI.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.K.JOHN MATHAI
SRI.ANIL D. NAIR

RESPONDENTS:

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1. P.KUNHAYAMU @ KUNHIMOHAMMED,
S/O.KUTTIALI, PANTHALANTH HOUSE, P.O.CHERUKKARA,
THALAPUZHA, MANANTHAVADY, WAYANAD.

2. COMMISSIONER FOR WORKMEN'S COMPENSATION,
(DEPUTY LABOUR COMMISSIONER), KANNUR.

3. DEPUTY TAHSILDAR (RR), TALUK OFFICE,
MANANTHAVADY.

4. VILLAGE OFFICER, THAVINHAL,
WAYANAD DISTRICT.

5. DISTRICT COLLECTOR, WAYANAD.

R2 TO R4 BY GOVT. PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.6331 OF 2007

Dated this the 26th day of February, 2007

JUDGMENT

The petitioner is a successor-in-interest of an estate, which among other things, faces an order under the Workmen's Compensation Act. Contending that the said order is passed ex parte, the petitioner moved the Commissioner to set aside that order. That proceedings is still now pending before the Commissioner with notice to opposite side. As of now, distress action had followed on the basis of the compensation order.

2. Having regard to the totality of the facts and circumstances, this writ petition is disposed of directing that the Commissioner will expedite proceedings on the application of the petitioner to set aside the ex parte order. In the mean while, if the petitioner remits the entire outstandings due under the compensation order in three equal monthly instalments, distress

action will be withheld. Such deposit will be subject to any right of the petitioner for restitution in case of success in the petition before the Commissioner.

The writ petition is disposed of with the above directions.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.